

**Legal Aid of Nebraska**  
**Succession & Leadership Development Plan**  
**Created: 05.31.07**  
**Revised: 12/13/2012**

**1. Rationale**

The Executive Director position in a non-profit organization is a central element in the organization's success. Therefore, insuring that the functions of the Executive Director are well-understood and even shared among senior staff and volunteer leaders is important for safeguarding the organization against unplanned and unexpected change. This kind of risk management is equally helpful in facilitating a smooth leadership transition when it is predictable and planned.

**2. Plan Implementation**

The Board of Directors authorizes the Board Chair to implement the terms of this emergency succession plan in the event of a planned or unplanned temporary or short-term absence.

- It is the responsibility of the Executive Director to inform the Board of Directors of a planned temporary or short-term absence, and to plan accordingly.
- The Acting Executive Director shall assume management responsibility immediately upon being informed by the Executive Director of the unplanned absence or upon determination that the Executive Director is absent without explanation. It is the responsibility of the Acting Executive Director to immediately inform the Board chair of an unplanned temporary or short-term absence of the Executive Director. The following succession shall determine the Acting Executive Director: Deputy Director, Director of Litigation & Advocacy, CFO.
- The Acting Executive Director shall serve until the Interim Executive Director is appointed as described in Section 4c and d.
- As soon as feasible, following notification of an unplanned temporary or short-term absence, the Board President shall convene an Executive Committee meeting to affirm the procedures prescribed in this plan, or to modify them if needed.

**3. Priority Functions of the Executive Director at Legal Aid**

The Executive Director job description is attached to this plan.

Among the duties listed in the position description, the following are considered to be the key functions of the Executive Director and have a corresponding temporary staffing strategy.

*Temporary Staffing Strategy*

Key Executive Director Functions for Temporary Staffing Strategy

<u>Function</u>	<u>Responsibility</u>
• Leadership and Vision	Board Chair with the Acting or Interim Ex. Director
• Board Administration & Support	Acting or Interim Ex. Director
• Financial Management	CFO & Chair of Finance & Audit Comm.
• Key ED Functions	Acting or Interim Ex. Director
• Human Resources	CFO & Administrative Assistant
• Community & Public Relations	Board Chair, Acting or Interim Ex. Director & Grants Manager
• Spokesperson	Board Chair, Acting or Interim Ex. Director

In the event this plan is implemented and assigned positions are vacant or no longer available, the Board Chair shall select other staff to support each of the key ED functions.

#### **4. Succession Plan: Temporary, Planned or Unplanned Absence – Short Term**

##### **a. Definitions**

- A temporary absence is one in which it is expected that the Executive Director will return once the events precipitating the absence are resolved.
- An unplanned absence is one that arises unexpectedly, in contrast to a planned leave such as vacation or a sabbatical.
- A temporary absence is 30 days or less.
- A temporary short-term absence is between 30 and 90 days.

##### **b. Temporary Staffing Strategy**

- For temporary planned or unplanned absences of 30 or fewer days, the Temporary Staffing Strategy described in Section 3 above may become effective. In the event of a temporary short-term planned or unplanned absence, the Executive Committee shall determine if the Temporary Staffing Strategy is sufficient for this period of time.

##### **c. Appointing an Interim Executive Director**

- Based on the anticipated duration of the absence, the anticipated return date, and accessibility of the current Executive Director, the Executive Committee may appoint an Interim Executive Director, as well as continue to implement the Temporary Staffing Strategy.

##### **d. Standing Appointees to the Position of Interim Executive Director**

- The first position in line to be Interim Executive Director is the current Board Chair. If the current Board Chair accepts the position he/she will take a temporary leave from the Board of Directors.
- The second position in line is a previous Board Chair or current Board Member.
- The third position in line is Director-level staff in the following: Deputy Director; Director of Litigation & Advocacy, CFO.

- In the event the available staff is new to the position or fairly inexperienced with Legal Aid, the Executive Committee may consider another appointee or the option of splitting executive duties among designated appointees.

e. Cross-Training Plan

- The Executive Director shall develop a training plan for each Director level position for each of the key functions of the Executive Director listed in Section 3.

f. Authority and Restrictions of the Acting or Interim Executive Director

- The Acting or Interim Executive Director shall have full authority for day-to-day decision making and independent action as the regular Executive Director.
- Decisions that shall be made in consultation with the Board chair and/or Executive Committee include staff hiring and terminations, financial issues, taking on a new project, and taking public policy positions on behalf of the organization.
- For additional communications guidelines refer to the organization's operating policies on transitions.

g. Compensation

- Director-level staff appointed as Interim Executive Director may receive an end of year bonus or additional benefit. This shall be determined by the Executive Committee based on the duration of the assignment and available resources.
- If staff serve as Interim Executive Director for 6 months or more, the Executive Committee may consider a salary adjustment.
- A current or former Board member appointed as Interim Executive Director may enter into an independent contract agreement, depending on the circumstances of their availability. The Executive Director on leave is eligible to qualify for disability insurance.

h. Board Oversight and Support to the Interim Executive Director

- The Interim Executive Director reports to the Board Chair. In the event the Board Chair becomes the Acting Executive Director, the Board Vice-President shall be appointed Board Chair.
- The Executive Committee shall be alert to the special support needs of the Interim Executive Director in this temporary role. The Executive Committee shall convene monthly when an Interim Executive director is appointed.

i. Communications Plan

- Within 48 hours after an Interim Executive Director is appointed, the Board Chair and the Interim Executive director shall meet to develop a communications plan including the kind of information that will be shared and with whom.
- The following chart identifies key supporters and a primary contact to facilitate communication.
- As soon as possible, the Board Chair and Interim Executive Director shall implement the communications plan to announce the organization's temporary leadership structure to staff, the Board of Directors, and key supporters.

- Updated contact information shall be maintained in the organization's database with the following designations:
  - Key Contact List
  - Extended Key Contact List
  - Past Board Officers/Members List
  - Foundation CEOs and Members
  - Other Organization Contacts
- Within 5 business days, the Board of directors shall distribute a press release with general information appropriate to the situation.

#### **Key Supporters**

- Civic & Non-Profit Leaders
- Government leaders
- Major funders
- Bar Associations
- Media
- National & Local Associations
- Members of Legal Aid firm
- Partners & Collaborators

#### **Communication Responsibility**

Interim Director and Designated Board members with the assistance of the Director of Development and Media Consultant

### **5. Succession Plan: Temporary, Unplanned Absence – Long Term**

- a. Definition: A Long-term absence is 90 days or more.
- b. Procedures:
  - Procedures and conditions to be followed shall be the same as for a temporary short-term absence with the following addition:
    1. The Executive Committee shall give immediate consideration in consultation with the Interim Executive Director, to temporarily fill the management position left vacant by the Interim Executive Director, or reassigning priority responsibilities where help is needed to other staff. This is in recognition that, for a term of 90 days or more, it may not be reasonable to expect the Interim Executive Director to carry the duties of both positions.
    2. The Board chair and Executive Committee are responsible for gathering input from staff and reviewing the performance of the Interim Executive Director according to the organization's Performance Review Policy. A review shall be completed between 30 and 45 days.

### **6. Succession Plan: Permanent Unplanned Absence**

- a. Definition:

- A permanent absence is one in which it is firmly determined that the Executive Director will not be returning to the position.

b. Procedures:

- Procedures and conditions to be followed shall be the same as for a temporary short-term absence with the following additions:
  1. The Board of Directors shall consider the need to hire an Interim Executive Director from outside the organization. This decision shall be guided, in part, by internal candidates for the Interim Executive Director position, the expected time frame for hiring a permanent Executive Director, and the management needs of the organization at the time of the transition.
  2. to implement the organization's Executive Succession Policy to transition to a new permanent Executive Director. A copy of this policy is attached.

c. Hiring an Interim Executive Director

- If an Interim Executive Director is hired, the Board Chair and Executive Committee shall negotiate an independent contractor agreement with a defined scope of work.
- The scope of the agreement with an Interim Executive Director shall be determined based on an assessment of the organization's needs at the time of the leadership transition.
- The rate of compensation shall be based on guidelines for Interim Executive Directors as determined by relevant national and regional surveys.

d. Responsibilities of the Interim Executive Director

- An Interim Executive Director shall have full authority for day-to-day decision making and independent action as the regular Executive Director.
- Decisions that shall be made in consultation with the Board Chair and/or Executive Committee include staff hiring and terminations, financial issues, taking on a new project, and taking policy positions on behalf of the organization.
- For additional communication guidelines, refer to the organization's operating policies on transitions.

e. Board Oversight and Support to the Interim Executive Director

- The Interim Executive Director reports to the Board Chair. The Executive Committee shall be alert to the special support needs of the Interim Executive Director in this temporary role. The Executive Committee shall convene monthly when an Interim Executive Director is hired.
- The Board Chair and Executive Committee are responsible for gathering input from staff and reviewing the performance of the Interim Executive Director according to the organization's Performance Review Policy. An initial review shall be completed between 30 and 45 days and 90 days thereafter.

## **7. Approvals and Maintenance of Record**

### **a. Emergency Succession Plan Approval**

- This emergency succession plan shall be approved initially by the Board of Directors.
- Thereafter, annually, the Executive Committee shall review the plan and recommend amendments to the full Board as needed.

### **b. Signatories**

- The Board Chair, the Executive Director, and the appointees designated in the Emergency Succession Plan shall sign the plan.
- At all times the Board Chair and Treasurer and at least one Director-level staff, in addition to the Executive Director, shall have signature authorization for checks and contracts for the organization.

### **c. Maintenance of record**

- Copies of this plan shall be maintained by all members of the Board of Directors, Director-level staff and the organization's auditor in accordance with document retention requirements.

### **d. Financial Considerations**

- It shall be the responsibility of the Executive Committee to review the organization's finances during an unplanned absence of the Executive Director.
- Legal Aid maintains an operating reserve that the Board Chair is authorized to access with Executive Committee approval.